



NOV -4 2004

United States
Department of
Agriculture

Food and
Nutrition
Service

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Alexandria, VA
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SUBJECT: Clarification of Commodity Replacement for State Distributing Agencies Following Disasters and Situations of Distress

TO: Program Regional Director
All Regions

As we approach the end of an exceptionally active hurricane season, which has included FNS response to requests for food assistance from affected State agencies, we need to clarify the FNS/FDD policy about replacement of commodities. Please provide this clarification to all State Distributing Agencies.

As you are aware, the Robert T. Stafford Disaster Relief and Emergency Assistance Act provides statutory authority for various federal agencies to act in response to State requests for assistance in a disaster. USDA/FNS is the primary federal agency assigned to provide food relief consisting primarily of emergency food stamps and commodity food donations.

Our program regulations, 7 CFR 250.43 and 250.44, also authorize the Secretary of Agriculture to make commodities available to victims of disasters and situations of distress. The protocol for providing commodities to disaster feeding agencies during and after such emergencies is specifically outlined in the recently updated FNS/FDD Disaster Manual, now available on the FDD website.

FNS will replace commodities *used by State Distributing Agencies and recipient agencies for disaster feeding purposes* with special funds made available following a Presidential declaration of disaster. FNS will also replace commodities *used by State Distributing Agencies and recipient agencies for feeding purposes in situations of distress*, as long as its annual appropriation of funds for emergency situations lasts. However, FNS has no authority to *replace commodities for State Distributing Agencies or recipient agencies that are lost, destroyed, contaminated or otherwise rendered unusable* in a disaster due to flooding, fire, wind, power outage or other cause.

The Federal Emergency Management Agency (FEMA) is responsible for overall disaster relief. FEMA's coverage provides funds to State and local government agencies, as well as to private businesses and citizens, for the recovery and/or replacement of lost or damaged property and other assets. Accordingly, commodity losses experienced at the State or local level must be incorporated into any claims filed with FEMA for financial assistance.

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